

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7264 of 1990

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SWARNA KAMAL BHOWMIK

Versus

STATE OF GUJARAT

Appearance:

MR KS JHAVERI for Petitioner

MR RJ ORA for the Respondents.

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 29/10/96

ORAL JUDGEMENT

In the year 1964, the petitioner herein was selected and appointed to the post of Director of Museum and Picture Gallery, Baroda and Ex-Officio Director of Museums, Gujarat. In the year 1988, the petitioner having attained the age of 50 years, was compulsorily retired from the Government service under order dated 31st August, 1988. Said order of retirement of the petitioner was quashed and set aside by this Court under

its judgment and order dated 10th October, 1988 rendered in a petition being Special Civil Application No. 5923 of 1988. Pursuant to the said judgment, the Government under its order dated 1st November, 1988 cancelled the order of premature retirement of the petitioner and reinstated him in service. On 15th October, 1988, the Government passed resolution under which the post of Director of Museum and Picture Gallery Gandhinagar and Ex-Officio Director of Museum, Gujarat was created and the post of Director of Museum and Picture Gallery, Vadodara and Ex-Officio Director of Museum was kept under abeyance. The petitioner on his reinstatement was posted as the Director of Museum and Picture Gallery, Gandhinagar and Ex-Officio Director of Museums, Gujarat. Under Resolution dated 29th March, 1990, the Government revived the post of Director of Museum and Picture Gallery, Vadodara and Ex-Officio Director of Museums, Gujarat. Under order dated 7th June, 1990, one Shri M.H.Raval was directed to hold the additional charge of the above referred post of Director of Museum and Picture Gallery, Vadodara. Under resolution dated 28th August, 1990, the Government earmarked the functions and the duties of the Director of Museum and Picture Gallery, Gandhinagar and director of Museum and Picture Gallery, Vadodara. The petitioner in the present case has challenged the latter two resolutions and has claimed that the said resolutions have been passed with mala fide intentions and with a view to depriving the petitioner of the post of Director of Museum and Picture Gallery, Vadodara.

2. The claim of the petitioner has been contested by the respondents by filing its counter affidavit in which it has been contended that the impugned decisions have been taken in the best interest of the administration and the public.

3. Learned advocate Mr. Jhaveri appearing for the petitioner has produced an order dated 18th August, 1993 which is taken on record. Under the said order dated 18th August, 1993, the petitioner herein was transferred as Director of Museum and Picture Gallery, Vadodara. Thus, in view of the above transfer, the grievance of the petitioner stands substantially redressed and the matter at issue in this petition has become academic. Hence, this petition has become infructuous. The petition is therefore, dismissed as having become infructuous. Rule is discharged. There shall be no order as to costs.

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